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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,780	01/02/2002	Michel Moulin	01023US (EKC 89769)	3998
1333	7590	12/04/2006	EXAMINER HINZE, LEO T	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,780

Applicant(s)

MOULIN, MICHEL

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,47 and 82-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,47 and 82-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. In view of the Appeal Brief filed on 31 August 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Allowable Subject Matter

2. The indicated allowability of claims 83-86, 90, and 96 is withdrawn. Rejections based on the newly cited reference(s) follow.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 47, 87, 89, 93-95 and 98-112 rejected under 35 U.S.C. 102(b) as being anticipated by Landsman, US 4,764,815 (hereafter Landsman).

a. Regarding claim 1, Landsman teaches a flat bed platesetter system for imaging radiant energy onto a printing plate (col. 1, lines 7-9), the system comprising: a stationary supporting bed (26, 28, Fig. 1); drive means in direct contact with the support bed for engaging the printing plate (30, 32, Fig. 2) and sliding (“slidably supported”, col. 5, line 35) the printing plate on the support bed in a direction of movement and; an optical head (12, Fig. 1) movably mounted on a stationary bridge (14, 14a, Fig. 1), adapted to move across the direction of movement of the printing plate (“moves transversely across ... the surface to be scanned”, col. 3, lines 14-15) and being provided for emitting radiant energy onto the printing plate (col. 3, lines 5-12). The examiner interprets “in direct contact with the stationary support bed” in ll. 4-5 to refer to the “drive means.”

b. Regarding claim 47, Landsman teaches a flat bed platesetter system for imaging radiant energy onto a printing plate (col. 1, lines 7-9), the system comprising: a stationary supporting bed (26, 28, Fig. 1); a carriage for engaging the printing plate in direct contact with the stationary support bed and (30, 32, Fig. 2) sliding (“slidably supported”, col. 5, line 35) the printing plate

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on the supporting bed in a direction of movement and; an optical head (12, Fig. 1) movably mounted on a stationary bridge (14, 14a, Fig. 1), adapted to move across the direction of movement of the printing plate (“moves transversely across... the surface to be scanned”, col. 3, lines 14-15) and being provided for emitting radiant energy onto the printing plate (col. 3, lines 5-12);

c. Regarding claim 87, Landsman teaches a method for imaging a printing plate with radiant energy (col. 1, lines 7-9) in a flat bed platesetter, the method comprising: (a) providing a flat bed platesetter having a stationary support area (26, 28, Fig. 1), (b) disposing a printing plate on, and in direct contact with, the support area (the printing plate directly contacts the carriage 30, 32, Fig. 2, which directly contacts the stationary support area 26, 28, Fig. 1; therefore the plate directly contacts the stationary support area); (c) positioning the printing plate on the support bed in a defined and centered position (the plate is inherently in a defined position as the apparatus is capable of precisely creating the printing image on the printing plate); (d) sliding the printing plate in a first direction; and (e) moving a radiant energy emitting head in a second direction substantially perpendicular to the first direction to provide an image on the printing plate (col. 3, line 5 through col. 4, line 37).

d. Regarding claim 89, Landsman teaches all that is claimed as discussed in the rejection of claim 47 above. Landsman also teaches wherein the carriage is configured to hold the printing plate from underneath as the carriage slides the printing plate on the stationary support bed (the platen supports the plate from the bottom, Fig. 1).

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e. Regarding claim 93, Landsman teaches all that is claimed as discussed in the rejection of claim 87 above. Landsman also teaches wherein the step of moving the radiant energy emitting head comprises moving an optical head, on which the radiant energy emitting head is mounted, on a stationary bridge across the direction of movement of the printing plate (col. 3, line 5 through col. 4, line 37).

f. Regarding claim 94, Landsman teaches a platesetter system for imaging radiant energy onto a printing plate (col. 1, lines 7-9), the system comprising: a support bed (26, 28, Fig. 1) comprising a stationary support surface sufficiently large to receive and support the printing plate with one face of the printing plate in sliding contact with the support surface (the plate is in direct contact with the platen which is in direct contact with and slides over the stationary support surface; therefore the plate is in direct contact with the support surface); a printing plate positioning means for bringing the printing plate into a defined and centered position (col. 5, ll. 58-61); drive means (30, 32, Fig. 2) for sliding the printing plate over the stationary support surface in a direction of movement; an optical head (12, Fig. 1) movably mounted on a stationary bridge (14, 14a, Fig. 1) and adapted to move across the direction of movement of the printing plate ("moves transversely across... the surface to be scanned", col. 3, lines 14-15), the optical head being adapted to emit radiant energy onto the printing plate (col. 3, lines 5-12)

g. Regarding claim 95, Landsman teaches all that is claimed as discussed in the rejection of claim 94 above. Landsman also teaches where the optical head is adapted to focus the radiant energy onto a focus plane ("automatic focusing system," col. 13, line 21), and the plurality of bearings are configured to maintain the portion of the printing plate in the focus plane (the plate

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must be maintained in the focus plane in order for the machine to function properly and produce a satisfactory result).

h. Regarding claim 98, Landsman teaches a platesetter system for imaging radiant energy onto a printing plate, the system comprising: a support bed (30, 32, Fig. 2) having a support field defining a support plane; a printing plate positioning means for brining the printing plate into a defined and centered position (col. 5, ll. 58-61); a carriage (26, 28, Fig. 1) movable across the support field in a direction of movement and having a holder adapted to secure the printing plate to the carriage and maintain the printing plate at a level and in contact with the support bed (the plate contacts the platen which contacts the support bed, therefore, the plate is in contact with the support bed); and an optical head (12, Fig. 1) movably mounted on a stationary bridge and adapted to move across the direction of movement of the carriage, the optical head comprising emitters for emitting radiant energy onto the printing plate.

i. Regarding claims 99, 103, and 107, Landsman teaches all that is claimed as discussed in the rejection of claims 98, 1 and 47, respectively, above. Landsman also teaches wherein the carriage is moveable across the support field in a stepwise motion (c. 5, ll. 35-37).

j. Regarding claims 100, 104, and 108, Landsman teaches all that is claimed as discussed in the rejection of claims 98, 1 and 47, respectively, above. Landsman also teaches wherein the support is adapted to maintain the printing plate at a precise distance from the optical head while the carriage moves the printing plate across the support field (the physical relationship between the optical head and carriage is fixed, see Fig. 1).

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k. Regarding claims 101, 105, and 109, Landsman teaches all that is claimed as discussed in the rejection of claims 98, 1 and 47, respectively, above. Landsman also teaches wherein the support bed is adapted to maintain the printing plate flat in the support plane (the top of platen 30 is a plane, Fig. 2).

l. Regarding claims 102, 106, and 110, Landsman teaches all that is claimed as discussed in the rejection of claims 98, 1 and 47, respectively, above. Landsman also teaches wherein the carriage is adapted to securely maintain the printing plate in a stationary position (the carriage is stationary between the step-wise moves, c. 5, ll. 35-37).

m. Regarding claims 111 and 112, Landsman teaches all that is claimed as discussed in the rejection of claims 1 and 47, respectively, above. Landsman also teaches a printing plate positioning means (30, 32, Fig. 2) for brining the printing plate into a defined and centered position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Rinke et al., US 5,934,195 (hereafter Rinke).

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Landsman teaches all that is claimed as discussed in the rejection of claim 47 above, including wherein the carriage (30, Fig. 2) has a base (24, Fig. 1) located under a supporting bed with sliding elements (26, 28, Fig. 1).

Landsman does not teach a protruding section carrying suction cups and disposing the suction cups at the level where the printing plate is in direct contact with the stationary support bed.

Rinke teaches an apparatus for and method of exposing printing plates that uses a vacuum platen to secure the printing plate (col. 5, lines 6-32).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Landsman to use a vacuum to secure the plate to the carriage, because a person having ordinary skill in the art would recognize that a vacuum gripper system would grip the plate exclusively from the bottom, removing any part of the gripping element from the top surface of the plate, and therefore allowing the whole top surface of the plate to be available for radiating by the optical head.

7. Claims 83, 84, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Helms, US 3,845,711 (hereafter Helms).

a. Regarding claim 83:

Landsman teaches the system of claim 47, wherein the optical head is located in a container (12, Fig. 1), and a lens (col. 11, l. 64), and edge detector ("sensors," col. 12, l. 56), air bearings (15, Fig. 1), a moving part of a linear motor (34, Fig. 1), and encoder (col. 6, l. 68), and connectors are all located on a first side of at least one supporting rail, and all connecting

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conduits (explicitly described, but inherently present) are located on a side of the rail to balance the weight of the optical head (see Fig. 1).

Landsman does not teach roller bearings and the connecting conduits located on a second side of the rail.

Helms teaches that in printing applications, air bearings and roller bearings are equivalent (col. 5, ll. 49-54).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to replace the air bearings with roller bearings, because a person having ordinary skill in the art would recognize that roller bearings provide some advantages over air bearings, such as the elimination of a need for a source of pressurized air.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI)(C).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to place the connecting conduits on a second side of the rail, because a person having ordinary skill in the art would recognize that such a placement would provide for better weight distribution and balancing of the head, which would result in smoother movement with less vibration, which lead to more precise results in directing the radiant energy from the optical head.

b. Regarding claim 84:

The combination of Landsman and Helms teaches all that is claimed as discussed in the rejection of claim 83 above.

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The combination of Landsman and Helms does not teach wherein the carriage is attached to the linear motor at the center of gravity of the carriage.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI)(C).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman wherein the carriage is attached to the linear motor at the center of gravity of the carriage, because a person having ordinary skill in the art would recognize that such an arrangement would provide for better weight distribution and balancing of the head, which would result in smoother movement with less vibration, which lead to more precise results in directing the radiant energy from the optical head.

c. Regarding claim 88:

Landsman teaches all that is claimed as discussed in the rejection of claim 1 above, including wherein the stationary support bed comprises a field of air bearings (26, 28, Fig. 1) extending the length of the platesetter.

Landsman does not teach wherein the stationary support bed comprises a field of roller bearing extending the length of the platesetter.

Helms teaches that in printing applications, air bearings and roller bearings are equivalent (col. 5, ll. 49-54).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to replace the air bearings with roller bearings, because

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a person having ordinary skill in the art would recognize that roller bearings provide some advantages over air bearings, such as the elimination of a need for a source of pressurized air.

8. Claims 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Janoick et al., US 4,792,049 (hereafter Janoick).

a. Regarding claim 85:

Landsman teaches a system for imaging radiant energy onto a printing plate, the system comprising: (a) at least one flat bed platesetter systems comprising: (i) a carriage (30, Fig. 1) for moving the printing plate in a direction of movement over stationary supporting elements (26, 28, Fig. 1), and (ii) an optical head (12, Fig. 1) movably mounted on a stationary bridge and adapted to move across the direction of movement of the printing plate, wherein the optical head comprises emitter for emitting radiant energy onto the printing plate (col. 3, ll. 5-12).

Landsman does not teaches at least two flat bed platesetter systems, and (b) a transport assembly including a feed chain, an exit chain and at least two branch chain located between the feed chain an exit chain, wherein each of the flat bed platesetter systems is located in one of the branch chains.

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to include a second flat bed platesetter system, because a person having ordinary skill in the art would recognize that a second system would double the output.

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Janoick teaches a system and process for sorting articles, including a transport assembly including a feed chain, an exit chain and at least two branch chain located between the feed chain an exit chain, wherein each of the flat bed platesetter systems is located in one of the branch chains (Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to include the product handling system of Janoick because a person having ordinary skill in the art would recognize that such a product handling system could increase throughput and output by making it easier to handle the printing plates and deliver them to the flat bed platesetter machine.

b. Regarding claim 86, the combination of Landsman and Janoick teaches all that is claimed as discussed in the rejection of claim 85 above. Janoick, as combined with Landsman, also teaches wherein the transport assembly further comprises a stocker (16, Fig. 1).

9. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Morita et al., US 5,606,172 (hereafter Morita).

Landsman teaches all that is claimed as discussed in the rejection of claim 47 above.

Landsman does not teach a front sensor for detecting a printing plate ahead of the printing plate being slid by the carriage in the first direction, and a rear sensor for detecting a printing plate behind the printing plate being slid by the carriage in the first direction.

Morita teaches an exposing apparatus and exposing method for plates (col. 1, ll. 13-26), including that the starting and ending of operation at each stage and starting and ending of transfer and locating the work are performed by various sensors (col. 15, ll. 1-5).

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to include a front sensor for detecting a printing plate ahead of the printing plate being slid by the carriage in the first direction, and a rear sensor for detecting a printing plate behind the printing plate being slid by the carriage in the first direction, because Morita teaches that a variety of sensor are advantageous for automatically controlling the starting and ending of operation at each stage and starting and ending of transfer and locating the work, and a person having ordinary skill in the art would recognize that detecting a printing plate ahead of the printing plate being slid by the carriage in the first direction, and detecting a printing plate behind the printing plate would increase the speed and output of the flat bed platesetter.

10. Claims 91 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman.

a. Regarding claim 91:

Landsman teaches all that is claimed as discussed in the rejection of claim 47 above.

Landsman does not teach wherein the carriage is substantially narrower than the width of the printing plate across the direction of movement of the printing plate.

It has been held that mere changes in size are not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(IV)(A).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman wherein the carriage is substantially narrower than the width of the printing plate across the direction of movement of the printing plate, because a

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person having ordinary skill in the art would recognize that it would be advantageous to make the carriage of Landsman the optimum size necessary, including narrower than the plate, if that was the preferred size.

b. Regarding claim 92:

Landsman teaches all that is claimed as discussed in the rejection of claim 87 above, including attaching the positioned printing plate to a carriage (Fig. 1).

Landsman does not teach wherein the carriage is substantially narrower than the width of the printing plate across the direction of movement of the printing plate.

It has been held that mere changes in size are not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(IV)(A).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman wherein the carriage is substantially narrower than the width of the printing plate across the direction of movement of the printing plate, because a person having ordinary skill in the art would recognize that it would be advantageous to make the carriage of Landsman the optimum size necessary, including narrower than the plate, if that was the preferred size.

11. Claims 96 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Kikinis, US 5,870,624 (hereafter Kikinis).

a. Regarding claim 96:

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Landsman teaches all that is claimed as discussed in the rejection of claim 95 above, including wherein the plurality of bearings comprises a first row of bearing located under the printing plate (26, 28, Fig. 1).

Landsman does not teach wherein the plurality of bearings comprises a second row of bearings over the printing plate.

Kikinis teaches a printing system that uses bearings under the printing plate and over the printing plate (107 and 99, Fig. 3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman to include a second row of bearings over the printing plate as taught by Kikinis, because a person having ordinary skill in the art would recognize that these bearings would provide additional force and constraint on the plate, thereby helping to precisely locate it during scanning.

b. Regarding claim 97:

The combination of Landsman and Kikinis teaches all that is claimed as discussed in the rejection of claim 96 above, including wherein the plurality of bearing comprise a plurality of rows of precision bearing and corresponding plurality of rows of pressure bearings.

The combination of Landsman and Kikinis does not teach the rows of bearings being offset from the corresponding rows of precision bearings.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(VI)(C).

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Landsman wherein the rows of bearings are offset from the corresponding rows of precision bearings, because a person having ordinary skill in the art would recognize that this rearrangement of parts would be advantageous on properly positioning and aligning the plate for scanning.

Response to Arguments

12. Applicant's arguments, filed 31 August 2006 in the Appeal Brief have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
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15 November 2006


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